

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS SECURITIES AND ERISA
LITIGATION

This Document Applies to:

*In re Lehman Brothers Mortgage-Backed Securities
Litigation, No. 08-CV-6762.*

09 MD 2017 (LAK)

ECF CASE

NOTICE OF FUNDS RETURNED TO THE LEHMAN MBS SETTLEMENT ACCOUNT

Lead Counsel, Cohen Milstein Sellers & Toll PLLC (“Cohen Milstein”), submits this Notice to inform the Court of an accounting software error which occurred at the time of submission of Plaintiffs’ Counsel’s Petition for an Award of Attorneys Fees and Reimbursement of Expenses (the “Fee and Expense Petition”) on May 31, 2012, that was recently discovered. As a result of that accounting error, Lead Counsel’s expenses inadvertently included a charge of \$90,762.00.

The charge resulted from a write-off in the sum of \$45,381.00, which was an amount deducted from bills submitted by one of Lead Counsel’s experts, that was entered as a debit in Cohen Milstein’s accounting system and therefore should have been subtracted from Lead Counsel’s total expenses. However, because of the software error, this amount was instead logged by the accounting system as an additional expense and therefore added to Lead Counsel’s expenses. This glitch resulted in a double billing of the \$45,381.00 debit amount that totaled \$90,762.00.

As a result, Lead Counsel is returning the sum of \$90,762.00 to the Settlement Fund for the benefit of the Settlement Class and has ensured that this software error has not affected any

other items submitted to the Court. Should the Court deem it necessary, Lead Counsel is ready and willing to answer whatever questions or concerns the Court may have regarding this matter.

Dated: September 27, 2012
New York, New York

COHEN MILSTEIN SELLERS & TOLL PLLC

By: /s/ Steven J. Toll

Joel P. Laitman
Christopher Lometti
Richard Speirs
Michael B. Eisenkraft
Daniel B. Rehns
Kenneth M. Rehns

88 Pine Street, Fourteenth Floor
New York, New York 10005
Telephone: (212) 828-7797
Facsimile: (212) 828-7745

jlaitman@cohenmilstein.com
clometti@cohenmilstein.com
rspeirs@cohenmilstein.com
meisenkraft@cohenmilstein.com
drehns@cohenmilstein.com
krehns@cohenmilstein.com

Steven J. Toll
S. Douglas Bunch
1100 New York Avenue NW, Suite 500 West
Washington, D.C. 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
stoll@cohenmilstein.com
dbunch@cohenmilstein.com

Lead Counsel for the Settlement Class

CERTIFICATE OF SERVICE

I hereby certify that this notice was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on September 27, 2012.

/s/ Kenneth M. Rehns
Kenneth M. Rehns